

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

DAVID EBRAHIMZADEH,

Case No: 17-11224 (MKV)

Debtor.

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**ORDER GRANTING
THE DEBTOR'S MOTION TO DISMISS THIS CASE**

Upon the above-captioned Debtors' Motion to Dismiss the Chapter 11 Case (the “Motion”), pursuant to 1112(b) of title 11 of the United States Code [ECF No. 45]; and this Court having jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of this Motion having been given as provided in the Motion, and such notice having been adequate and appropriate under the circumstances; and it appearing that no other or further notice of the Motion need be provided; and no objections having been filed; and upon the record of the hearing held on July 13, 017 (the “Hearing”); and the Debtor, counsel to David Ebrahimzadeh (the “Debtor”) and the Office of the United States Trustee (the “UST”) having appeared at the hearing in connection with the Motion; and based upon the stipulation between the parties memorialized in Exhibit A (the “Stipulation”); and the Court having found and determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein;

NOW, THEREFORE, IT IS hereby **ORDERED** that:

1. The Motion is granted, on consent, to the extent set forth herein.
2. Based upon the agreement of the parties set forth on the record of the Hearing and in the Stipulation, the Debtor shall not be permitted to further litigate any issues in

this case, including, but not limited to, appealing any order of this Court including this Order based upon his waiver set forth in the Stipulation.

3. Within ten days of the entry of this Order, the Debtor shall pay to the UST all sums required pursuant to 28 U.S.C. § 1930(a)(6) and 31 U.S.C. § 3717 and simultaneously provide to the UST an appropriate affidavit indicating the cash disbursements for the relevant period.
4. This case be, and hereby is, dismissed, and based upon the agreement of the parties set forth on the record of the Hearing and in the Stipulation, the Debtor's ability to re-file under any section of the bankruptcy code, and before any bankruptcy court shall not be permitted for a period of one (1) year from the date of entry of this Order.
5. This Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

Dated: New York, New York
July 14, 2017

s/Mary Kay Vyskocil
Honorable Mary Kay Vyskocil
United States Bankruptcy Judge

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Case No: 1:17-11224-mkv

DAVID EBRAHIMZADEH,

Chapter 11

Debtor.

-----x

**STIPULATION AND ORDER GRANTING
THE DEBTOR'S MOTION TO DISMISS THIS CASE WITH PREJUDICE**

Upon the above-captioned debtors' Motion to Dismiss the Chapter 11 Case (the “Motion”), pursuant to 1112(b) of title 11 of the United States Code; and this Court having jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of this Motion having been given as provided in the Motion, and such notice having been adequate and appropriate under the circumstances; and it appearing that no other or further notice of the Motion need be provided; and the Court having found and determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and the Debtor, counsel to David Ebrahimzadeh (the “Debtor”) and the Office of the United States Trustee (the “UST”) having appeared in connection with the Motion

NOW, THEREFORE, IT IS STIPULATED AND AGREED by and between the Parties, which when “*So-Ordered*” by the Bankruptcy Court, shall constitute an Order of the Bankruptcy Court as follows:

1. The Motion is granted, on consent, to the extent set forth herein.
2. That Debtor waives any right to further litigate any issues in this case, including, but not limited to, appealing any order of this Court including this Stipulation and Order with prejudice.

3. Within ten days of the entry of this Stipulation and Order, the Debtor agrees to pay to the UST all sums required pursuant to 28 U.S.C. § 1930(a)(6) and 31 U.S.C. § 3717 and simultaneously provide to the UST an appropriate affidavit indicating the cash disbursements for the relevant period.

4. That this case be, and hereby is, dismissed with prejudice, such that the Debtor's ability to re-file under any section of the bankruptcy code, and before any bankruptcy court shall not be permitted for a period of one (1) year from the date of entry of this Stipulation and Order.

STIPULATED AND AGREED:

Dated: New York, New York
July 13, 2017

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REIT, Inc.*

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